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LAW OF HUSBAND AND WIFE

WITH

REMARKS

ON THE

Married Women's Property Act OF 1874.

ADDRESSED TO ALL HUSBANDS AND FATHERS OF FAMILIES,

BY PHILO-FAMILIAS.

AUDI ALTERAM PARTEM.

Sixth Edition.

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ADVERTISEMENT.

THE chief objects of this Pamphlet are to show—

Firstly : The great amount of injustice which Husbands in the main, more particularly among the poorer classes, suffer from the partial decisions of Magistrates, County Court and other Judges, &c., &c.

Secondly : The spurious nature of the outcry on property grievances raised by the Married Women's Rights' agitators.

Thirdly : The substantial nature of the grievances of Husbands regarding their property—all liable to have it stolen from them by their Wives ; and, in point of fact, liable for all the debts the Wives may please to contract.

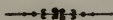
Fourthly : Other grievances of married men as fathers of families, such as the ability of their Wives to thwart them in their plans of giving the children suitable education, &c., &c.

Fifthly : That, as a rule, women are not held responsible for any offences they may commit ; consequently, the married state is now made so intolerable for Husbands, that single men, who reflect upon the subject, must increasingly be deterred from contracting matrimony. The door is, therefore, left open for vice, immorality, and improvidence.

Sixthly : The necessity of the appointment of some tribunal, such as a Royal Commission, to revise the entire system of Law of Husband and Wife.

Numerous examples are adduced, with the object of bringing the hitherto-unsuspected facts and novel views herein enunciated before the public, who are now thoroughly deceived upon these points in the most important social question of the day.—*See Appendix.*

LAW OF HUSBAND AND WIFE.



REMARKS WITH REFERENCE TO THE

Married Women's Property Bills

AND ACT OF 1874.

CIRCUMSTANCES have rendered it necessary that the public attention should be steadily directed to one of the most important questions of the day.

The promoters of this Act have not yet arrived at the elementary principle, that married women, if they are allowed increased privileges at the expense of their husbands, should be made subject to corresponding liabilities. The Act does not simply make them in law *femmes soles*, but it makes them *femmes soles and married women combined*—i.e., to have the privileges of both and the liabilities of neither. Its promoters are ignorant of, or they choose to ignore, the iniquitous effects of the *separate use to wives* system, which is liable to act as a direct incentive to wives to incur debts on the strength of their income, which debts the husbands are called on to pay, in very many cases; the wife being always able to spend her separate income on her private pleasures, luxury, and extravagance, without any necessity of contributing to the support of husband or family, or to hoard up her money. The wife, secure of her maintenance for life, has every inducement to set her husband at defiance. It is well known to married men, although not generally acknowledged, that in many cases, this system acts as an encouragement to adultery on the part of the wife, and, at the very least, puts into her hands the means of injuring and insulting her husband, lowering his position and authority in the eyes of his children, his household, and society. She can always withhold any contribution she may have promised towards the expenses of the family, or keep a threat of so doing over the husband's head. These evils, hitherto partial, will, by recent legislation, be spread universally over the land.

The only remedy for the evils complained of, seems to be the adoption

of such legislation as might be suggested by a Royal Commission to be appointed to investigate the entire Law of Husband and Wife, as recommended by the "Westminster Review."

It is submitted that no wife ought to be allowed to enjoy any income independently of her husband's participation; any such income ought to be expended only by the joint action of husband and wife on the household, on the education of the children, &c., &c., in the same manner as the husband's income is now liable. So far from this being the tendency of legislation, there is an ever-active agitation to prevent the husband, although liable for his wife's debts, from receiving any money or personal property coming to the wife. The foregoing is worthy of the consideration of those who are under the impression that married women require more protection for their property, from their husbands, than at present. The public do not pay sufficient attention to the fact that, in nine cases out of ten, or rather 10,000 cases to one of the population, it is the husband whose labour and exertions support the family; at any rate in middle life. The occupations of the wife are generally of an easy character: at least, they employ themselves in "spending," with more or less economy (or it may be with extravagance), the hard-earned wages of the husband, be he professional or working man. It is absolutely impossible for any bequest or gift to render a husband independent of liability for his wife's debts; is it then too much to expect that a wife should contribute part of any money accruing to her to the support of the family and the husband? Is it just that a wife should enjoy the benefit of all her husband's income, and at the same time should be the sole possessor of her own property? Are there not perils and miseries enough in the married state already? Is it worth while to cause every husband in the land to look upon his wife as his rival and enemy? The *Times* has truly said that many a father has had cause to rue the strict settlement of money upon a daughter on her marriage—the most common cause of adultery on the part of the wife, as it is of domestic unhappiness. For every single case of a wife ruined and outraged by her husband, there would be found thousands of cases of husbands ruined and outraged by their wives. At present, it is a common practice of wives, in the middle and lower ranks of life, to involve their husbands in debt and difficulty, through recklessness, proneness to vice, and the determination to vex and injure their husbands, by taking advantage of an unjust condition of the law.

Legislators are apt to expatiate upon the wrongs of wives; many of them little know the wrongs of husbands, often tied for life to partners devoid of all principle, of all shame, whose interest the law makes it to render themselves formidable by keeping up a constant irritation in the minds of their husbands, with the view of getting favourable terms of separation; making use unscrupulously of that dreadful weapon—the tongue; often carrying on craftily criminal intrigues, while their husbands are away, wearing themselves out in labour for the support of their wives and families. It is well known that wives will provoke their husbands to

commit acts of violence upon them in order that they may procure their incarceration, with a view to their enjoying adulterous intercourse without molestation; for, in all cases, the vicious wife feels that she can count on the active sympathy and co-operation of the magistrates and other administrators of the law, also of the associations for enforcing the Laws for the Protection of Married Women, &c., &c.: the Divorce Court, the Press, the Public, all, in compliance with the fashion of the day, eager to assist in the oppression of the injured husband. Thus, already, marriage in England is capable of being a curse to the man, and any alteration in the proposed direction will drive men more and more to avoid it. It is well known that there are many cases of wives in possession of considerable incomes who have allowed their husbands to be in receipt of parish relief. What man of sound mind would venture to marry at all under the proposed *regime*? What minister of religion would venture to recommend a man to marry? Marriages throughout the land would become, as in the cases alluded to, simply legal concubinage. It is to be feared that such schemes as this—that for the enfranchisement of women, &c.—would, if carried out, destroy altogether the *family* in England.

There are so many points to be considered into which the main subject branches:—the apparent repudiation by the advocates of Women's Rights (chiefly single women) of all duties of obedience and subordination on the part of the income-spending partner towards him, whom the old-fashioned ceremony or sacrament caused her to vow before God and the world to obey; the dead set made against husbands by magistrates and others, who ignore the bad conduct, the violence, dissipation, extravagance, treachery, and even adultery of depraved wives; proposals made that men maddened by their wives' conduct, to the extent of committing violence upon them, should be punished with flogging, &c.; the entire ignoring of the same offences of violence being committed often by wives against their husbands—this state of things being aggravated by the incomparably more serious effects of the wife's adultery, by the wife's unscrupulous use of the tongue, &c.

It is a common custom for wives disagreeing with their husbands, even when living apart (in adultery or otherwise), to go to the husband's house for the evident purpose of laying a trap for them—that the husband may commit violence, such as turning the wife out-of-doors, or assaulting her: as in a case before the police-court lately. The husband was living with a mistress, alleging that his wife had left him, and had committed adultery. The magistrate (Hammersmith), said he must imprison the husband for turning the wife out-of-doors, in presence of his mistress; the couple at the same time were willing to come to terms. Very lately, a wife avowedly living in adultery, went to her husband's house to annoy him; he assaulted her; the magistrate knew of the wife's living in adultery, but he said that was no business of his; he punished the husband by imprisonment with hard labour.

Thus we see the gross inequality of the justice (!) administered by magistrates; in one case the magistrate takes upon himself to

aggravate the husband's offence and increase his punishment, apparently on account of his living in adultery; in the other, when a wife admittedly living in adultery makes a complaint, the magistrate says her dissolute conduct is no business of his, and practically renders himself the accomplice of the wife to outrage the husband: the wives never punished, the husbands severely, for the same offences.

It is not uncommon for magistrates and others to proclaim aloud that a man must be a brute to touch a woman in anger. Although this to a certain extent may be true, when constantly dinned in the ears of women it is enough to embolden them to commit any excesses they please in aggravating conduct which their husbands dare not resent; the magistrates would certainly punish the husbands in case they commit any violence, without paying any regard to the provoking and intolerable conduct of the wife which naturally, if not justifiably, led to the husband's violence.

Formerly, at any rate, if not now, at the instance of the Poor Law authorities, husbands were compelled to support their wives while living away from them in open adultery, and the children of their wives by other men, born in adultery. These facts alone give us an idea of the infamous abuses caused by our over-refined legal system, enough to account for, if not justify, the husband sometimes taking away the life of the guilty parties.

The reprehensible partiality of the Divorce Court is to be noted in cases in which the wife brings charges of cruelty against her husband. The judge has stated that he does not believe the wife's statement; yet he has decided in her favour, in consequence of some want of temper shown by the husband, and made over the custody of the children to the wife. He says the wife is, no doubt, of a violent temper, yet that is no reason why she should be ill-treated—i.e., women with violent tempers are told, in effect, that they may do anything they like. If they are interfered with, the husband will be charged with cruelty; his income and children made over to the wife, as a reward for her bad temper and her treachery.

When the grossest acts of treachery and violence are committed upon husbands by their wives, no sympathy is expressed by the public, the press, or the magistrates; on the contrary, the husband is found a good butt for ribald jokes.—Witness the *Daily Telegraph* Article referred to (Extract from the *Law Times*, 2nd Edition), and the Press, *passim*.

A man, bedridden from rheumatism, was almost starved by his wife, who spent day and night away from him, returning once a day to give him a little food. She was living in adultery and debauchery of all kinds. Some time after his partial recovery, he tried to shoot his wife, probably to maim her. He was brought up for trial. The bench of magistrates was indignant at his conduct. It does not seem to have occurred to anyone to feel or express any indignation against the conduct of the wife. But who would have been surprised if the husband had beat the wife, or maimed her to within an inch of her life?

A man was persuaded by his wife to go to Australia, to find em-

ployment and a location. She went to live in adultery with a tradesman. The husband, on his return, sought an interview with his wife. He could not obtain this. He tried to shoot the tradesman—to injure him in some way. The magistrates seemed to be shocked at his conduct. Neither they nor anyone else seemed to be shocked at the conduct of the wife, nor that of the paramour.

On another point, the injustice and partiality of the Divorce Court are to be observed. In almost all cases in which the husband brings a charge against the wife of adultery, the reply is put forward that the husband connived at it, or condoned it. This is the most odious accusation that could be brought against a man. Every one knows that, in the great majority of cases, this is a mere lawyer's device to frighten and bring disgrace upon the husband. The judges of the Divorce Court have never expressed any sense of the discreditable and scandalous nature of this method of defence on the part of the wife; but not long ago, in a case in which the husband adduced an instance of the wife's undoubted adultery, it was stated that he had condoned it previously. The Judge now volunteered his opinion that this method of defence was discreditable to the husband. So, in the matter of expenses, the affair is made as expensive as possible to the husband, who has to pay for the false charges of cruelty, for the perjury of witnesses, and for the manœuvres of lawyers determined to advance any charge, however unfounded, against him.

On the second reading, in the House of Commons, of the Married Women's Property Bill, in 1869, there were some very singular arguments put forth, as for instance: Mr. Jessel gave a kind of paraphrase of the dictum of the American lady, "Women have as much right to keep paramours as men to keep mistresses." He said he knew cases of a wife's income being spent upon an adulterer, and that there was no more reason for her being in that case deprived of her income, than there would be for depriving a husband of his income if he kept a mistress—a sentiment which drew down loud applause from the Liberal benches. Are we to conclude then that one violation of the moral law justifies another?

Here may be noted the great difference, in point of fatal consequences, between the infidelity of the husband and of the wife. The wife has the tremendous power (Rights of Women) of imposing upon her husband, as his legal progeny, the offspring of any other man, from the peer to the footman.

The knowledge of this, or even the grave suspicion of this infidelity, together with the tongue of the wife, is quite enough to account for the violence often shown by husbands towards their wives.

The moment an unfaithful wife forms a *penchant* for any man but her husband, there is danger that the husband's whole resources will be used against him by the wife, in order that she may annoy or ruin him—with these purposes particularly, or in addition, with the view of provoking him to commit acts of violence, so-called "cruelty," for the purpose of her living in adultery without molestation, or getting a divorce, and forming herself a new connection.

It becomes a question whether a wife should be able to acquire rights of property, independent of her husband's control, from any third party whatever. It is evident that some one may make presents to a wife, or make settlements upon her, with the most nefarious intentions—of annoying or injuring the husband, of obtaining control over the wife, possession of her person, &c. In all cases such rights are liable to be attended by fatal consequences to the husband and family; as was noted in a case where property came to the wife, as a result of the combined treachery of wife and accomplices, from the father of the husband, who was thus robbed of his rightful inheritance; the same being given over to his most deadly enemy, with the immediate effect of ruining the husband's prospects of keeping out of debt, of educating the children, &c.; lawyers, trustees, and other third parties coming forward at the husband's expense, to assist the wife to ruin him by setting him at defiance, &c.

Similar results may happen in the case of property or income left to the wife by her father or relations. By the Married Women's Property Act, as amended, the wife and any third party may immediately begin to remove the husband's property, furniture, &c.; set up a house with it—a hotel, a shop of any kind, &c.

Another question arises:—How can a wife do her duty to her husband if she be allowed by law to set up any business, to carry on correspondence, to pay visits, to make money arrangements with third parties—perhaps rivals of her husband in business or his sworn enemies; still more, if she be allowed to enter into partnership-agreements, such as entering another man's house, and residing as housekeeper, &c.? Many cases are known of wives—even those with ample means—who incur debts with tradesmen for their husbands to pay; simply often to annoy their husbands; often also to save their own money for purposes of extravagance, or vicious indulgences.

In almost all such cases, it is believed that Juries, County Court Judges, and the Superior Courts, compel the husbands to pay; and yet the advocates of the Married Women's Property Bill assert that the obligations of a husband to support his wife are not stringent enough.

In estimating the amount of property, income, &c. of the husband, with reference to alimony to the wife, the Divorce Court constantly acts upon the evidence of the husband's sworn foes, and those who have a direct pecuniary interest in giving false evidence—namely, the wife and the wife's relations.

Mr. Mill, in his "Subjection of Women," makes a statement quite contrary to the truth, when he says that if a wife leaves her husband she can take nothing with her (this is adduced as a hardship); the fact being that she cannot be punished if she takes away all her husband's property with her, even in company with a paramour.

It may be said that matrimonial infidelity is generally the result of passion among men, and calculation among women. Witness the experience of the Divorce Court and common life, which shows us constantly wives leaving husbands and children in order to

rise in the social scale, or to enjoy the benefits of comparatively greater wealth and luxury; to become, after marriage, peeresses, or even as Honourable Mrs. * * * *, when, after the divorce, the paramour shall have married the wife: so, in marriage, the man generally marries from affection, the woman is more apt to marry from calculation, to make a good match.

It is submitted that no wife ought to be able to incur debts with a tradesman, or any other party, without the express authorisation given by the husband to that person. From want of such a law, monstrous tyranny is sometimes practised. A wife takes goods from a seller, viz., a tallyman, draper, &c., or, as in certain cases, a wife refuses to take goods from him, and he forces them into the house and leaves them. The County Court Judges, or other legal authorities, will compel the husband to pay, &c., and will commit him to prison in default.

In a large proportion of cases of complaint by wives against husbands, the wife is often more deserving of punishment than the husband, whom the magistrate punishes without fairly investigating the whole case, hurriedly acting upon the unsupported statement of the husband's sworn foe—the vindictive wife. If an injured husband were to try and regain possession by force of a wife who had left him, he would also for that be punished for an assault. In very many cases the wrong party is punished—the husband instead of the wife.

Lord St. Leonards (Ex-Chancellor Sugden), in a letter to the *Times*, denounced the Married Women's Property Bill as the *General Divorce Bill*, and intimated that all that is required to remedy the special grievance complained of is a judicious extension of the "protection order" system, such orders to be granted after proved criminality of the husband. The agitation in favour of Married Women's Property Rights is carried on chiefly by maiden ladies, who cannot know what are the relations between man and wife—what their relative liabilities, pecuniary, moral, and social, are and ought to be. It is difficult, with due regard to decency, to put the true facts of the case before them. Neither they nor the male advocates of the change have yet grasped the principle that, if women have increased property rights granted to them, justice demands that they should be made to assume increased liabilities.

In the history of mankind we may observe that the aggrieved or enslaved nations or parties have almost invariably endeavoured to enslave or degrade other nations or parties, as soon as they had shaken the yoke off their own shoulder—as the Normans; in later periods the United States slaveholders; recently the Prussians, &c.

In like manner women having, in reality, some grievances, and in fancy more, and having obtained certain redress, their advocates are now doing their utmost to degrade men in their capacity as husbands and fathers. History shows us that men in certain countries and ages have discontinued marriage to a great extent. Here the same might occur, and women would then have to lament a deeper degradation.

The doctrinaires, the philanthropists, the benevolent clergy and social reformers, the single ladies, are in effect fighting the battles of

the married wanton, the adulteress, and the termagant. It may be confidently stated that now the tendency of legislation, of the action of the Police Courts, Divorce Court, the County Courts, &c., is to press hardly upon the husband. The worst construction is put upon his actions and motives; he is punished capriciously and excessively for such offences of violence, of neglect to support his family, &c., as he may commit; while the wife, who may lead the most abandoned life, and may commit the most atrocious acts of violence towards him, is rarely, probably never, punished.

Magistrates and Judges do not take into consideration that it is the wife's infidelity, or dissolute life, or aggravating conduct, that is, in very many cases, the cause of the husband's violence. The sufferings of aggrieved husbands are not unfrequently treated with insulting scorn or unconcern by the magistrates, and with jeering and ridicule by the press and the public.

The complaining wives, often the most depraved of their sex, are urged on by interested third parties—lawyers and others, &c.—as the various associations for enforcing the “Laws for the Protection of Women and Children,” who take no pains to ascertain the real facts of the case between man and wife, and are always ready to take the part of depraved women. Also they are abetted by the parochial authorities, whose action is to oppress husbands among the lower classes most iniquitously. Not long ago a wife eloped with her paramour, taking away the children of herself and her husband. The parish prosecuted the husband for neglecting to provide for the children, although it was proved that he had no means of procuring access to them. The authorities were inexorable. The reader is referred to the daily police reports for examples of the great hardships to which husbands are liable under the present administration of the law.

The Divorce Court is another engine for their oppression. They have to bear the expenses of any complaint or defence that the wife or her advisers may set up. They are hardly dealt with as regards costs. Facts and law are wrested to their prejudice; the worst constructions are put upon the actions and defence of husbands. Women found guilty of adultery, allowed by the judge alimony (and access to the children), when the husband is already almost ruined by law expenses. Thus we find a dead set made against all husbands by the various authorities, who, virtually, treat all wives as if they were immaculate, and husbands as necessarily in the wrong. On such principles the Married Women's Property Bill was promoted, its advocates being ignorant, or choosing to ignore the fact, that for one case in which a wife is ruined by her husband, ten thousand cases occur in which the husbands are ruined by their wives.

It was promoted by a noisy but importunate and important body of agitators, faintly opposed in Parliament by a few only of those who loudly denounce its principles in private; while the main body of society—including the lawyers, and notably THE CLERGY—look unconcernedly on, as if it can be a matter of indifference to them whether measures are carried out or not, which would subvert

all authority of husbands and fathers, and annihilate the married state.

It may be confidently asserted that, unless a check be put to the present system of oppression of husbands, and to the designs of the doctrinaires, men will avoid altogether the state of matrimony; they will see that the only function open to them as married men will be that of bread-winners, *i.e.*, *Beasts of Burden*: to have all the labour, all the responsibility; the wife all the enjoyment, all the privileges; to be kept in idleness upon the proceeds of the sweat of the husband's brow, to be endowed by law with irresponsible power, and to be absolved from all duties.

It is interesting to note the revolutionary, or rather anarchical, doctrines put forth by the doctrinaire advocates of Women's Rights:—

Mr. Mill has given his opinion that a man who produces a large family, with the chance of their not being all provided for, should be treated by society with the same rigour as the dipsonaniac, and portions of the Liberal press are constantly making suggestions for the limitation of families: all this, with the view of obstructing the procreation of the human race, ordained by nature and religion. They do not regard the objections made, that any such obstruction to propagation of the species by marriage, must necessarily lead to indiscriminate intercourse and prostitution. In vain are they warned that the highest interest of the species, sexual morality, the public health, &c., require a contrary system to be pursued; that to counteract the evil consequences of prostitution, and particularly its blasting effects in spreading contagious disease, a system of early marriages would be the best safeguard; but the doctrinaires intimate that they will initiate legislative measures, by which not only prostitution shall give way, but the number of the population shall be prevented from increasing to an inconvenient extent. They will put in force some preventive checks; and to commence their plan of reform, they would put every married man at the mercy of his wife, making the married state so detestable, so onerous to the husband, that in a short time no man of sound mind could venture upon marriage at all.

About January, 1870, the records of the Police Courts showed many most glaring instances of the injustice of the administration of the law in the case of assaults of husband and wife, all decisions conducing to the oppression of husbands. Two cases of wives who had lived apart from their husbands many months or years, returned to their husbands—hardworking quiet men—and committed, with heavy weapons, such assaults upon them as rendered surgical treatment for some time necessary. One woman was slightly punished; the other was let off altogether, because the police constable had not witnessed the assault; this being on the face of it impossible, as it was committed at the husband's own house. From this instance we may calculate the degree of fitness for their posts most of the police magistrates possess. It may be confidently asserted that in these cases, if the husbands had been the defendants, the magistrates would have awarded them several months' imprisonment with hard labour

On the 3rd January, 1870, is reported the case "Alexander and Wife," before Mr. Partridge, Southwark Court. The wife having lived for years away from her husband in open adultery, returned one evening on purpose to annoy and insult her husband, a hard-working respectable tradesman. He assaulted her, and was committed for trial, having against him, in addition to the usual authorities, the prosecuting officer of "The Associate Institute for Enforcing the Laws for the Protection of Women and Children." Mr. Alexander was tried at the Central Criminal Court, and let off with a nominal punishment, chiefly through the action of the Judge, who said it would not be for the interests of morality to imprison a man who was doing his duty as guardian of his children, &c. Thus, of all the administrators of the law, the Judge alone seemed to be actuated by feelings of justice, morality, and decency.

On the 11th December, 1869, is reported, at Guildhall, the case of "Hale." The husband had been imprisoned for two months upon the complaint of his wife. He was a man working hard at the docks from morning to night. On his return he found no fire, and his wife absent. He lighted a fire. His wife returning prevented him from cooking his supper, and threw his hat and coat (his working implements) into the fire. The husband assaulted her. The magistrate punished the husband, taking no account of the provocation given by the wife.

It is submitted that if homicide should be the result of such decisions, the parties whose misconduct most contributed to such result, would be not the husband, but the police magistrate, and the grandiloquent busy-bodies, the "Associate Institute," &c., &c.

The chief promoters of the Married Women's Property Bills have the shameless effrontery to assert, even in the House of Parliament, that the liability of husbands for debts contracted by their wives is merely nominal; that it amounts to nothing more than that the husband is bound to keep his wife above the need of seeking parish maintenance. As a comment upon this assertion, we may refer to the Law Intelligence, as reported the 1st February, 1870, in the Court of Common Pleas case, "Philipson v. Hayter." The husband had been adjudged by the Kingston County Court to pay for many non-necessaries, including about £20 for smoking luxuries, ordered by the wife for the use of her paramour, she being on the eve of her elopement. At the same time she had a separate income.

We may unhesitatingly assert, that depraved wives in their efforts to annoy, to injure, to disgrace, and to ruin their husbands, have abundant cause for feeling that they may count on the active sympathy and co-operation of the Divorce Court, the Police Magistrates, and other administrators of the law, and various bodies of philanthropists, like the "Associated Institute," the mass of Liberal legislators, the Press, &c., &c.

No organ of public opinion has yet ventured to denounce the mockery of justice and morality which is being enacted on all hands in this particular.

The police report, 7th September, 1870, contained a case, "Extraordinary Elopement," before Mr. Cooke, Clerkenwell. The wife,

having an intrigue with another man, helps him to carry off the husband's property. The magistrate rules that there was no felony, and throws all the blame upon the husband. "Mr. Cooke remarked that it was strange that the applicant did not find out that his wife was keeping up an illicit intercourse with the defendant, so as to prevent his taking his goods away." Does Mr. Cooke not know that an adulteress makes use of all her husband's resources to hood-wink and rob him? Does he not know that husbands have occupations, which take up their time and attention away from home?

What would be thought of a magistrate who should say, "It is strange that the complainant did not know that the defendant intended to garotte him or rob him; it is the man's own fault that he did not prevent the other garotting or robbing him?"

In this, as in other cases, the magistrate showed enmity against the unfortunate husband, and active sympathy and co-operation with the adulteress and her paramour.

The police report of 16th September last contained a case in which, under the newly-passed Married Women's Property Act, 1870, the Guardians of the Poor applied to Mr. Ellison, Worship Street, for an order on a wife, who has money, to support her husband, and keep him off the parish relief. "Three years ago her husband consented to a deed of trust for his wife's property, and since then she has turned him out."

A gentleman, retired from a public office in which he attained great distinction, was induced to marry. Very soon after his marriage he found that the wife was insane, and had been insane habitually, and that he has no alternative except to allow her a third of his income to live apart from him. He was duped by the wife's mother and relatives.

A surgeon, a widower, with a family, in full practice, marries again. His wife persists in staying out until the morning, at parties, &c. The husband objects to this; high words ensue; the wife leaves him, and he finds himself compelled to pay her bills. He has no alternative except to separate, allowing her £400 a-year, he all the time working himself to death to maintain his family.

When the Christian philanthropist urges upon the public the necessity of an authoritative reconsideration of the law and mutual relation of husband and wife, an objection is sometimes made, that men often choose their wives without due consideration or judgment, and that if they meet with unhappiness the fault is their own. Those who make use of this fact as an argument why nothing should be attempted to improve the Law of Husband and Wife, have not duly considered how seldom men have the opportunity of meeting with suitable mates. By the very nature of things the dispositions of the parties must be often found incompatible. How often a man or woman's calculations must be found falsified in the result! The fact of a good match being so very difficult to attain is rather an argument for very careful legislation, to ensure the least misery and the greatest degree of happiness to the parents and children of all marriages. The fact that a man or woman must find it impossible to determine beforehand what the mate's disposition may really become

after marriage, would be found a valid reason for men declining marriage altogether. Should this occur, even to the extent of only one marriage occurring to every ten which takes place now, what would be the consequences to society? Let the philanthropist and divine and man of the world declare! It is well known that irresponsible power has turned the head of the wisest of men. What effect must it not have upon women? Can it be said that any woman is fitted to endure the strain of irresponsible power?—and yet this is what is being conferred upon her by the agency of the “Women’s Rights” agitators and the administrators of the law; power to outrage and ruin their husbands and families, with perfect impunity to themselves: every encouragement given to them by law and custom to misuse their own property and that of their husbands, while they are themselves by law protected from the consequences of their own misconduct.

By the very nature of society, women have more opportunity, more necessity for reserve, for concealing their real sentiments, their real dispositions, than men, before marriage. They are generally under the control of relatives or of public opinion. After marriage they are at once let loose from all control whatever. With men marriage is rather a matter of affection than of calculation. The imagination has much sway in these engagements. What wonder then that men are so often disappointed, without any blame rightly accruing to them for rashness or want of forethought?

It is probable that not one man or one woman in a hundred have the opportunity of marrying the person who would be the one most suited to the co-partnership in the voyage of life. In numerous instances, in which circumspection and caution have not been wanting, and in which most estimable qualities may have existed in one or in both parties, fatal divisions occur, owing to some incompatibility of temper or cast of mind. The aims of the one partner may be too elevated for the appreciation of the other partner. The mutual affections of parents for their children, when not supplemented by extreme prudence on both sides, often, too, lead to fatal divisions in families. But in a great number of cases, the division of opinion and practice with the parents would not have led to results so destructive of the interest of families, but for the state of the law, which, increasingly in compliance with the fashionable notions of the day, practically urges the wife to set her husband at defiance.

The happiest marriages may be said to be, not those in which the highest qualities of mind and moral sense may be found on both sides, but those in which, both parties possessing the quality of common-sense and moderation, the wife is content to act in subordination in all important respects to her husband’s wishes. Men often find their best helpmates in those women who are docile, but whose real strength of mind and whose moral faculties are, before marriage, latent, and even unsuspected, by themselves, their parents, and instructors.

All pious parents of a youth would declare their earnest desire that he should put forth his best faculties early in life to secure a

happy home ; and, doubtless, that is found in practice the chief mundane end kept in view by the pious, ardent, and ambitious youth of all ranks of life. Thwart that aim by immoral laws, by immoral customs of the leaders of society—what aim worthy of a rational being do you leave to the young man of ordinary capacity and tendencies? None whatever ; the great majority will choose a career of self-indulgence. Indolence, and vice, its invariable concomitant, will replace happy labour and soul-strengthening self-denial. From the majority of mankind we must not expect virtue when all prospects of reward are denied them. The industrious man would look forward to married life with the object of his choice as a haven of rest after his weary toil. But the law reformers say in effect, “ We will inflict penalties, if possible, upon you if you do not marry ; and if you do marry, we will give your wife every encouragement, every facility, to hold the rod over your head, to make your life uneasy.”

It is sometimes said by those anxious to laud the good qualities and mental qualifications of women, that they are more persevering and more determined than men : that when they have set their hearts upon an object, they will leave no stone unturned until that object is achieved. This laudation, as far as it may refer to married women, would be just, supposing that the objects they have in view are in themselves laudable. But if the objects and aims sought to be attained by the wife are the reverse of laudable, the statement, if true, offers the greatest condemnation of her conduct, and of the principles which regulate the conduct of a great proportion of married women. This point will be best illustrated by reference to a case well known to the writer. A married woman, for a course of twenty years of married life, omitted no opportunity of opposing her husband and thwarting him in all his designs. Without rendering herself the subject of an action for divorce she carried on flirtations on all possible occasions, brought the husband frequently into positions (with reference to military discipline) from which he could not emerge without discredit, nor scarcely without danger or ruin. She had plausible manners, and ingratiated herself successfully with members of the husband's family, and with society generally. A separation took place between the couple. The wife, having independent means, contributed nothing for some years to the family expenses. After a time she entered into a formal agreement to take charge of and educate the eldest of two daughters. She made no attempt to educate the child, but made excuses to demand money for that purpose from the father, who then offered to pay the entire expenses of a suitable education. The mother and child objected to this, but the father prevailed upon the child to go to a school. A month afterwards she ran away to go to join her mother in lodgings, and refused to return to school. In her eighteenth year she has not a decent knowledge of English, and there is every prospect of her moral ruin from ignorance and total want of training. The father has attempted to get the child again under his care, but he is completely powerless. Any attempt to put the law in motion would be attended with ruinous expense, and it has been decided that no Court will support the authority of the father effectively. The effect of

one child's setting the father at defiance will be likely to be disastrous with the other, who will be encouraged by the example and aided by the mother to follow in the same course. The wife expends all her energies in corrupting the minds of the children, and turning them against their father; in instilling into their minds the notion that education and training are scarcely, if at all, necessary for women; in intrigues, with a view of sowing dissension between the husband and his friends, and in various ways trying to injure him. He can only anticipate the moral ruin of both children, and appears to be totally powerless to prevent it. The state of the law and of public opinion seems to require that the wives should be supported in all their designs, and that all attempts of fathers to protect their children should be rendered nugatory.

In such cases the fathers have to encounter the statement that fathers in general do not insist upon the proper education of their daughters, and with the additional significant reproof from the "Women's Rights" advocates that women are more persevering and more resolute in attaining their object than men. How resolute and persevering they are in plans for setting the husband's paternal authority at defiance, and engrossing, by seductive arts, the affections of the children, may be often seen; but it remains for their advocates to show that they are more resolute and persevering as regards legitimate objects than men, and to give reasons why they (these advocates) would take away from husbands what little power the law and custom still allow them, of promoting the due training and future welfare of their children.

The police report, 25th January, 1871, at Hammersmith Court, before Mr. Ingham, contained a case of accusation of assault against a husband by the wife. There was evidence to prove that he was a sober man, that the wife was a dissipated character, in the habit of assaulting him, and that the charge was made with a view of the wife and her family abstracting the husband's property. The magistrate punished the husband, and stated that he would only refrain from giving him six months' imprisonment. This is one instance, among the hundreds and thousands occurring throughout the country, in which it is really the wife who deserved punishment; and the Magistrate practically renders himself the tool of the depraved wife, who, as in this case, with her own family, lays her plans to ruin her husband.

OPINIONS OF THE PRESS.

The *Daily Telegraph*, June 12th, 1868, writing of the Married Women's Property Bill of that year, says "that it does not secure the property from the wife's folly, and might tend to introduce into humble homes a source of perpetual contention. In fact, Mr. Lefevre's Bill may be quite right in principle, and even right in detail, if it formed part of a code reconstructing the whole Law of Husband and Wife; but, standing by itself, it is like a proposal to knock down two or three pillars of a large building, and insert some of another order forming part of an alien design."

The *Standard*, June 13th, 1868, says:—"No alteration of the franchise, no revision of boundaries, no Church confiscation, could work one-tenth part of the confusion, mischief, and demoralization which would inevitably follow the passage of such a measure as that proposed by Mr. Shaw Lefevre, and advocated by Mr. John Stuart Mill. . . . Mr. Mill defies alike the instinct given by nature, and the law promulgated by Him whose voice speaks in natural instincts as well as in revealed truth; and Mr. Mill is consistent in advocating a change in the law, which strikes at the root of marriage as we understand it, and aims at establishing an equality which Nature and God have forbidden. . . . We may add that the wife's privileges are almost as often abused as the husband's. Nearly as much wrong is done through the husband's liability for the debts of an extravagant, drunken, or runaway wife, as by the wife's liability to have the property taken from her by a worthless husband. We might dilate on the consequences to the children of a divided control over their inheritance, on the difficulties of settling the incidence of domestic expenses, and so forth."

The *Times*, in a leading article, 12th of June, 1868, speaks of the Bill as condemned by its opponents, as "a piece of purely class legislation—a law, in short, subverting the established relations of man and wife for the benefit of a limited number of women."

The *Times*, 15th April, 1869, speaking of the Bill, says:—"The married state, therefore, becomes a contract between two equal partners, irresponsible to each other, and neither wholly responsible for the family. It is, in point of fact, to abolish families in the old sense, and to break up society again into men and women. Is it fair to deprive the husband of all control over the expenditure of the wife? Is it right that she should be told by the law that she may act in complete disregard of his wishes? We are invited, for instance, to follow the example of the United States. But it is notorious that in that country the normal relations of the sexes are for the time reversed. Mr. Russell Gurney was still more unfortunate in quoting the example of Jamaica." . . . And, advocating an extension of the system of protection orders, continues: "The question is whether it would not be practicable to apply this remedy further by admitting other grounds for the issue of such

orders. No sufficient argument has yet been adduced to the contrary, and, if it be practicable, most persons would prefer such a reform to a total subversion of our present law." Again, in an article, 22nd July, 1869, the *Times* says: "The truth is, as we must now be permitted to say frankly, that it is very questionable whether the hardships inflicted by unprincipled husbands upon their wives, or the ruin brought by ill-conditioned wives upon their husbands, occasions the greatest trouble among the poor. We are much inclined to think that the husband's responsibility acts at present as a very effectual check upon him, and that more homes are made unhappy by careless wives than by inconsiderate husbands. . . . If the women fully performed their part, they would enjoy more power and independence than either this or any other Bill could give them. But the general exemption of the wife's property from liability for her husband's debts appears something more than strict equity sanctions. 'If women claim equal rights they must accept equal duties;' they cannot have at the same moment all the advantages of independence, and all the privileges of protection."

The *Pall Mall Gazette* of the 29th July, 1868, says that "the whole subject would have appeared to us better suited for a Commission than for a Select Committee. . . . Surely it is not expedient that a married woman should be at liberty to neglect the care of her family, make a purse for herself, and throw the whole burden of her own and her children's support upon her husband. If magistrates in petty sessions had power to make an order, giving a wife absolute right to her earnings for a term of months or years, if they were satisfied of the husband's misconduct, drunkenness, extravagance, or the like, every real grievance would be remedied, and the general theory as to the normal relations would be denied."

The same paper also of the 15th April, 1869, says:—"Mr. Russell Gurney said that the system was found to work well in America. It gives one a hopeless feeling when great changes are recommended on such grounds as these. To use the experience of one country for the guidance of another in this summary manner is simply idle. The Committee was accordingly reduced to hearing generalities from Mr. Dudley Field about the state of feeling prevalent on the subject in America, which is not unlike taking evidence from eminent divines of different persuasions as to the moral effects of the extension of their own views. If we look at the matter from the children's point of view, it surely cannot be doubted that it is to their interest that their father should in all common cases be the master of the house, the sovereign in the last resort. . . . The French law on the subject appears to us to rest in many respects on sounder principles than either our common-law, or the system which it is proposed to substitute for it. In a few words, the common-law of France is that the act of marriage constitutes a partnership, of which the husband is the managing partner. . . . It recognises the superiority of the husband, but it does not confer upon him harsh and absolute rights which are conferred by our common-law, and which are no doubt liable to great abuse."

The *Blue Budget* (weekly Conservative paper) of the 17th April, 1869, says:—"If we could conceive a man who, finding his tea unpleasantly sweet, immediately determined to substitute salt for sugar in the future, or imagine the victim of a tight boot resolved to go about barefooted, a parallel would be found to the proposal now before the House of Commons with respect to the property of married women.

"The oneness and identity of interest between husband and wife is destroyed, and the headship of a family entirely annihilated. If we make marriage nothing but an equal bargain, its present indissolubility will not last long. Nothing but fashion will cause marriages. And should ever, by one of those freaks by which the world is led to adopt a peculiar mode, any person whose acts were imitated set the example of substituting a liaison for a marriage, and boldly face the matter through, the temporary contract would become common, and would possibly supersede matrimony." . . . No man felt more keenly the necessity of maintaining inviolable the relationship which is constituted by the marriage act than Jeremy Bentham, who said that "the wife should submit to the laws of the husband, saving recourse to justice. And the administration shall belong to the husband alone. And between two persons who pass their life together, there may at every moment be a contradiction.

"The benefit of peace requires us to place one in authority to prevent or end disputes. But why is the man to govern? Because he is the stronger. In his hands power sustains itself. Give authority to the woman, every moment will be marked by revolt on the part of the husband. But this reason is not all. It is probable the man, by his mode of life, acquires more experience—a greater fitness for business—greater power of application."

Extract from an Article in the Times, 21st February, 1873.

In this country, at least, the lessons of experience preponderate against the state of things which these reformers of the marriage contract wish to make the rule rather than the exception. It certainly does not generally answer for the wife to have the leading place, and the greater legal right, in the expenditure. In that case it too often happens that husband and wife change sides, and if there is one thing more certain than another, it is that a woman does not make a good man, or a man a good woman. The family and estate prosper best under a good man and a good woman, both enjoying and using all the rights and all the influence proper to their position. Even when it is remarked, as, indeed, there is sometimes occasion to remark, that the masculine qualities of the woman make up for the shortcomings of the husband, it will always be found that the results are effected by what really is an abnormal state of things. The husband ought to have a preponderance of power in all things outside the mere domestic circle—in commercial and political matters, and in all that relates to the affairs of the great outer world. Of course, he may be unfit for it. He may have forfeited the right by his folly. He may be utterly without economical power. He

may be indolent or eccentric, or be otherwise incapable. But it is his nature to lead and to rule ; and it is far the best he should have the means and appliances for carrying out his natural tendency and power. That is the order of nature. We have sometimes to supply the defects of Nature, but we cannot improve upon her, for she is the best of teachers. We cannot safely reverse her order, and turn her own fabric upside down.

The (*London*) *Suburban Press* (a high-class weekly Conservative paper) of 11th April, in an article, says:—"The woman whom God has created to be the helpmate of man, to be subject in all affection and duty to his superior judgment and prowess in the career of human life, after the bond of sacred matrimony is contracted, this same is to be at liberty to raise her anchor and escape, should she be so determined under the winds of temptation, from all the most sacred obligations, and she is to carry with her everything that can support her upon the licentious sea in which she may embark, to the ruin of the happiness and hope of her family." . . . Again: "Look into the records of the Divorce Court. Every nine cases out of ten, where a divorce has been granted or sought for, will be found to have originated in the weaknesses, petty jealousies, positive infidelities of the woman." Again: "Nothing more absurd has been addressed to the attention of the enlightened people of this country. The man is simply relieved of a very slight and contingent evil, and, on the other hand, burdened with a permanent and intolerable wrong, and doomed to perpetual exposure to the greatest miseries that can afflict mankind on earth."

Extracts from *The True Rights of Woman*, by Miss Aikin-Kortright. Second Edition. S. W. Partridge & Co.

A Judge who was trying a cause of "cruelty," went so far as to remark, that the wife of a struggling professional man to incur debts, in his name, to a large amount, for superfluities of dress and ornament, might morally, if not legally, come under the head of cruelty. On the whole, there is some truth in this assertion.

The married man has no protection whatever from exorbitant demands of this nature, saving the expedient, that not one in fifty thousand would resort to—advertising that he will not be answerable for his wife's debts. He may be wealthy, but no fortune is proof against incessantly increasing luxury of dress and ornament. He may be a clerk, struggling to support a wife and family on little beyond a professed cook's wages ; but the wife must have her silk dresses, where stuff should suffice ; she must have her dressmaker and her milliner, where her own busy fingers should perform the labour.

Believe it, a good deal of cruelty is thoughtlessly, or with reckless selfishness, exercised in these matters. A good many toil-worn men have been consigned to the Debtors' Prison, to the Bankruptcy Court, a certain number to the cold dark river—not through their children's

consumption of daily bread, but through the silk dresses, the rich mantles, the lace parasols, the delicate boots and gloves, the elegant bonnets of their commercial partners, who perhaps, after all, brought no capital into the business. [Page 20.]

One of the most plainly expressed edicts [of the kingdom of Christ] is the obedience of the daughter, and the equally explicit command for the wife's reasonable subjection. Let no woman of heart or mind marry where she would be reluctant to obey. Let her carry with her into the marriage state that respect and love which make duty a delight, and service a glory.

Among men, we always perceive that he who best and most willingly yields to just authority, in his own turn governs most reasonably and righteously. The wife or daughter who has, in accordance with the laws of the kingdom of Christ, yielded obedience to husband or father, can in her turn claim, and will assuredly receive, the respectful duty of children. Almost every distinguished man has—indeed, all great men have—looked up to their mothers for counsel and direction; but there is no trace of any large-minded woman among them having endeavoured to escape from her own duty, or to set up an unlawful, and consequently a weak, despotism.

In the kingdom of Christ some must sit higher than others, but none are more exalted than the true-hearted wife, or daughter, who serves for Christ's sake and love's sake. [Page 24.]

Is it seemly, is it decent, that while the bread-winning husband is wearing himself out rapidly at his daily toil for scanty pay, that the poor little pittance he is winning should be more than anticipated?—that his children should be stinted in necessities, and he himself often come home to a cheerless hearth, that his so-called helpmate should flaunt in fictitious and often unpaid-for splendour, before the eyes of impertinent idlers or impertinent women? Should his shabby coat, worn at wrist and elbows by constant rubbing on a desk, be flouted by her gay silken apparel? [Page 30.]

Extracts from *The New York Herald*, December 19th, 1869.

THE MARRIAGE VOW—HOW THE ANCIENTS REGARDED IT—FREE LOVE AND WOMAN'S RIGHTS AN OLD EXPERIMENT—HISTORICAL LESSONS OF WEDDED LIFE—FACTS AND FIGURES.

When the Puritans emigrated to this country, they brought the common law with them, and it became part of the law of the several States, subject to being changed by special statute. The law relating to the conjugal relations remained the same among us as at common law, without any complaint, until the temperance question began to agitate the Eastern, Middle, and Western States, about the year 1843; and then the cry was, that in order to protect the estate of a wife from being squandered by an intemperate husband, and she and her children left in misery and want, that a law must be made to protect her property from the control of her husband. When the New York Constitutional Convention met to form a new Constitution, a clause was favourably reported, allowing a wife to have and retain all the property she had at the time of her marriage, and all that she might afterward acquire, and the same should be her separate property.

Mr. Charles O'Connor, of this city, called the attention of the Convention to this clause, and we quote from the report of the proceedings of the Convention:—He said he regarded this section as more important than any which had been adopted, perhaps, than all the rest of the constitution. If there was anything in our institutions that ought not to be troubled by the stern hand of the reformer, it was the sacred ordinance of marriage, and the relations arising out of it. The difference (he said) between the law of England and that of most other nations, was that it established the most entire and absolute union, and identity of interest and persons in the matrimonial state. It recognized the husband as the head of the household, merged in him the legal being of the wife, so thoroughly that, in contemplation of law, she could scarcely be said to exist. The common law of England was the law of this country, and both were based upon the Gospel precept, "They twain shall be one flesh." Pure as its origin, the fountain of Holy Writ, the common law rule upon this subject had endured for centuries: it had passed the ocean with our ancestors, and cheered their first rude cabins in the wilderness; it still continued in all its original vigour and purity, and with all its originally benign tendency and influences, unimpaired by time, undiminished in its capacity to bless, by any change of climate or external circumstances. Revolution after revolution had swept over the home of married love here and in the mother country. Forms of government had changed with Proteus-like versatility, but the domestic fireside had remained untouched. Woman as wife or as mother had known no change of the law, which fixed her domestic character, and guided her devoted love. She had as yet known no debasing pecuniary interest apart from the prosperity of her husband. His wealth had been her wealth: his prosperity her pride, her only source of power or distinction. Thus had society existed hitherto. Did it need a change? * * * No change should be made in the rules, affecting the relation of husband and wife. The habits and manners built upon the rules, and arising out of them, could not be improved, and ought to be perpetuated. The firm union of interest in married life, as established by the common law, occasionally in special cases produced deplorable evils; but its general influences upon the members of society was most benign. This was exhibited in the past history of England and our own country—it was visible in the existing condition of our people. Why change the law, and by a rash experiment put at risk the choicest blessings we enjoy? Husbands in America are generally faithful and true protectors of their wives. Wives in America are generally models of imitation. The least reflection must convince that this state of manners among us results from the purity of our laws for domestic government. These laws ought not then to be changed, lest manners should change with them. The proposition came in an insidious and deceitful form; it came with professions of regard for women, and thus won a ready access to the favour of all good men; but, like the serpent's tale to the first woman, it tended, if it did not seek, to degrade her. He thought the law which united in one common bond the pecuniary interests of husband and wife should remain. He

was no true American who desired to see it changed." * * * He would leave separate settlements to take effect only by the special act of the party. Then they would have no effect upon society at large. It is as the general law of the State, the laws operating alike upon all classes, and the law only which worked its way into the very frame of society, became a natural part of the constitution of the people, and permanently influenced for good or for evil the habits, manners, and morals of a country. The occasional acts of individuals had no general influence, but the general laws of society, if they were not the offspring, would always become the parent, of a general morality conforming to them. Married life as it was he wished to protect, homes governed by the laws of divine origin; it was in this country as perfect as human institutions or human nature could be made, and he wished it to be left untouched in all its sacredness and simplicity. The state of society in this respect, under the existing law, was no proof that it would continue the same under a law precisely the reverse; on the contrary, it was evidence in favour of the existing law. No one could deny that the great fundamental laws of a community in respect of property have an essential influence even upon the working of human affections within the domestic circle. * * * If this Convention should change the laws, invade the sanctuary of domestic love, and intrench within it the fiend pecuniary self-interest, he believed it would ultimately change the whole character of the married relation in our country. He spoke for posterity, not for the present generation. If the members of the Convention and the people acted unwisely in this matter, they would go down to the grave unpunished, for the evil would not come in their day. Laws might be changed in an instant, but manners could neither be formed nor subverted suddenly.

The present tone of society in this respect was too well fixed to be soon changed. It was the result of centuries of human existence under a wise law. The husbands and the wives of the present day would retain the manners that law had created, long after the law itself was abolished. But if this new rule should be adopted, the student of history in after times would condemn the act. From amid the less pure and incorrupt habits and manners of domestic life as then existing around him, he would look back to the present day with emotions akin to those which affect our minds when contemplating the first family in happy Eden before the tempter came.

The usual temperance argument was urged, but of no avail, before this intelligent body—that clause was rejected. Laws had been passed in nearly all the Eastern, Middle, and Western States, the same in substance as that clause attempted to be passed in this State; and at the legislative session in 1848 a similar law was passed for New York. This was the first law of this kind in this State. That was comparatively conservative; but has been extended from time to time, until now the law is more in favour of the wife than the community system of the civil law, but unfavourable to the husband than the civil law.

SEPARATE INTERESTS OF MAN AND WIFE.

The wisest and best of men have from time to time given opinions as to the effect of similar laws in society. Thomas Jefferson said that it was owing to the separate interests of man and wife in France, that about half of the annual increase of the population of Paris was illegitimate. Montesquieu, in his "Spirit of Laws," says, that as women are in a state that furnishes them inducements to marriage, the advantages that such a law gives them over their own and their husband's property is no advantage to society, and would be extremely prejudicial in a republic, and expresses himself in favour of the wife bringing property to her husband.

Chancellor Kent says, in his Commentaries, "I prefer the regulations of the common law upon the subject of the paternal and universal relations, but there are many subjects in which the civil law greatly excels." In reference to the system of marriage settlements by which in special cases that relation is established between man and wife which this law makes universal, Mr. Justice Platt says, "It tends to sever in some degree the marriage union, because it not only renders the wife independent of her husband as to her fortune, but bars him of a participation in it by new and increased impediments as if he were presumed to be her worst enemy. If matrimony is not desirable without these trammels and fences and reservations, I say 'Marry not at all.' Benign policy would not admit a rule which impairs the union and lessens the attributes of holy matrimony. It is better that confidence between husband and wife should sometimes be abused than that it should not exist in that relation."

We often see acts of tyranny and cruelty exercised by the husband towards the wife, of which the law takes no cognisance, and yet no man of wisdom or reflection can doubt the propriety of the rule which gives to the husband the control and custody of the wife. It is the price which female wants and weakness must pay for their protection. That a woman should contemplate her intended husband as likely to become her enemy and despoiler, and should guard herself against him as a swindler and a robber, and then admit him to her embraces, presents a sombre and disgusting picture of matrimony. Marriage justly implies a union of hearts and interests; and the modifications of that relation, which excessive refinements have introduced, form an excrescence which should be extirpated.

The venerable Ambrose Spencer expresses himself in the same case as of the same opinion on that question. For several years after this new law, no apparent change was noticed among us. But soon the "Woman's Rights" advocates seized upon it, and wished a further extension towards woman as regards property, and after that came, in 1862, the cry of taxation without representation was heard, and is still echoing among us. About the time of the passage of the "Separate Property" law, the semi-religious doctrine of spiritualism and free love arose, and advanced hand in hand with the "Woman's Rights" question. The separate property laws in so

many States not only affected us, but popular opinion grew strongly in favour of them in England, and it has greatly affected society there.

But we confine ourselves to the state of society here. House-keeping grew irksome to the wife and she must board; the home was broken up, and large cities became full of boarding-houses. Extravagance ensued, marriages have decreased, and are decreasing for various reasons, although it is urged on males from every pulpit in the land, and a tax on bachelors is seriously talked of. The depravity of the female sex is alarming, and divorces are becoming common and easily obtained.

Of these deaths 2,888 were under one year, and 13,067 were under five years of age. It is to be observed that out of a total of 23,889 deaths, 13,067, or more than half, were under five years of age. This shows either a neglect or ignorance on the part of the mother. It is to be regretted that the published reports do not show the nativity of the mothers of children that die under five years of age. The cry has been raised among us, as it was among the Romans, that our native race is dying out—with how much truth, we let the above tables speak for themselves; it will then be seen that nearly three-fourths of the marriages among us are between foreign-born, and that more than four-fifths of the births are of foreign parents, and that two-thirds of the deaths are of native-born.

MORALS OF THE FEMALE SEX.

As to the change that has been produced upon the general morals of the female sex, we quote from the twenty-first annual report, 1866, of the New York Prison Association. "The increase of female crime within the last twenty years is one of the most noticeable facts in our criminal history. Twenty years ago the ratio of females to males was as one in twelve, in 1863 the rate was 1 to 2.59, in 1864 was 1 to 2.55. * * * We refrain from all comments on these facts; the bare statement of them ought to be sufficient to awaken the most serious thoughts in the minds of reflecting persons." The report on Prisons and Reformation in the United States and Canada (1867) gives the statistics of the jails in Massachusetts. From a table furnished to the commissioners we take the following facts:—"In 1854 the females were only 1 in 7 of the whole number of inmates of the jails, while in 1863 they were nearly 1 in 3." These facts do not tell the entire story of the increase of female crime. In the annual report of the New York Prison Association, the commissioners say, "The country swarms with female thieves, pickpockets, shop-lifters, swindlers, pimps, seducers of poor girls, &c. &c., yet we hear of few women being tried and fewer still being convicted upon the principle degrading to the character of a woman, that she is less responsible and therefore less punishable than the man." It has been said that "History repeats itself," if this be so, do not the history and facts above presented show whither we are tending? We are a fast people and make as much progress in a right or wrong direction in ten years, as old Rome did in a century.

Extract from the "New York Tribune," November, 1871.

THE EXACT LEGAL STATUS OF WOMAN IN NEW YORK
—RELATIVE RIGHTS OF MEN AND WOMEN—WHICH
NOW HAS THE ADVANTAGE BEFORE THE LAW—THE
EXTENT OF THE LEGAL INJUSTICE TO WOMEN
WHICH WOMAN SUFFRAGE IS TO REMEDY.

So much is said concerning the disadvantage under which women labour, and so great is the severity with which the existing law is sometimes condemned by platform orators for its injustice to women that we have taken some pains to examine into the law of the State of New York, for the purpose of ascertaining what is the full extent of male delinquency here.

So long as a woman remains unmarried, there can be no question that in this and in every other State of the Union the law guarantees her perfect equality with man, except as to political franchises.

Two important privileges are secured to her at an earlier period of life than that at which they are allowed to a man. She may marry or make a will two years earlier than she could if she were a man (2 Rev. Stat. 66—21, Barbour, 439.) No law of primogeniture exists to cut her off in favour of a brother. Brothers and sisters share alike in the estate of a brother. Brothers and sisters share alike in the estate of a deceased parent (1 Rev. Stat. 751).

If a woman marries she loses none of her property. Its enjoyment is secured to her, free from her husband's control (Laws of 1748, ch. 200). Her earnings are also absolutely her own (Laws, 1860, ch. 90). She may get all she can, and keep all she gets.

Her husband is bound to support her, no matter whether she has money of her own or not. She may be ten times as wealthy as he, yet she need not employ a penny of her money upon her own support, but may even run him in debt for that purpose, if he does not provide adequately for her support; while she cannot be required to contribute in any way to her husband's support, even to pay the cost of keeping him in the country poorhouse (8, page 406). If a husband buys a piece of land, he cannot sell it for anything like its full value without his wife's consent, because otherwise her dower right would hang over the title like a cloud so long as she lived (See 1 Rev. Stat. 740). But if she has any land she can sell it just as well without her husband's consent as with it.

Nobody cares for his approval; so her husband cannot deprive her after his death of a life-interest in one-third of all his lands; but she can cut him off without an inch of her land or a cent. of her money, and enjoy the satisfaction of keeping him out of her property after her death as well as during her life.

A married woman, if disposed to misbehave herself, has large liberty to do so. So long as she keeps out of the grasp of criminal law, she is practically exempt from liability. She cannot be imprisoned in any civil suit for any cause whatever. If she commits an assault, or destroys or appropriates her neighbour's property, her unlucky husband must pay the bill or go to jail for her misdoings (10 Johnson, 256). A wife cannot, it is true, sue her husband, but

neither can he sue her. So, in that respect, neither has any advantage; in regard to the custody of the children, in cases of separation, the Courts have a large discretion (under 2 Rev. Stat. 148) in the exercise of which they almost always lean to the mother's side.

When the husband is in fault, the wife always succeeds in obtaining control of her children. The laws of New Jersey are not quite as favourable to married women. They are secured in the possession of all the property which they possessed before marriage, or which comes to them by gift, grant, devise, &c. (Laws of 1852, p. 407), but are not protected against their husbands as to their earnings. Nor can they convey property (4 Zabriskie 613, 2 Deutcher 574), or commence action without the concurrence of their husbands, unless they are living in separation from the latter (Laws of 1668—959, Laws of 1868—782), and even then, only under certain burdensome limitations.

It is submitted that no law affecting the pecuniary relations of husband and wife would do justice to both parties without the insertion of some such provision as the following:—

“Provided always, that no married woman shall at any time have power to pledge the credit of her husband. The husband to be on no occasion liable for any debts, except such as may be contracted by his orders expressed in writing.”

Extract from a Speech of Mr. John Stuart Mill, in the House of Commons, June 10th, 1868.

“The Attorney-General adverted to what is certainly the weakest part of the Bill, when he pointed out that, if the rights of Husband and Wife are to be equal, their obligations ought also to be equal; and if the Bill should go into committee, it will be necessary to alter the clauses, so as to establish an obligation equally on both parties. The Bill will no doubt require a great deal of consideration in committee, not so much with a view to the omission of some clauses, as to the addition of others. No doubt it is true that many other parts of the law, having been adjusted to a bad principle, will require modification, in order to accommodate them to a good one. But a select committee, comprising able lawyers, will be perfectly capable of proposing such additions as would make the Bill work smoothly.”

A Circular issued in 1868-9, by an Association, with the signature of Secretary, “Elizabeth Wolstenholme,” contains, with reference to Mr. Russell Gurney's Bill, this assertion: “*It makes a wife solely liable for her own debts.*”

The course of events has shown, however, that the “Women's Rights” agitators never intended justice to men as well as to women, but always that husbands should be liable for any debts the wives may choose to contract.

The panegyrist of the female sex often assert, that it is proved, by the records of justice, that women commit fewer crimes than men. This is a fallacy, for it is well known that, generally speaking, women are not held responsible for their crimes. This is almost invariably the case with married women, who are supposed, by a convenient legal fiction, to have acted under the influence of their husbands, and very commonly also with single women, who are likewise supposed to have acted under the influence of any men who may have been their confederates in crime. It is well known that women are the causes, or the excuses, or the instigators of every species of crime; but, for the reason above stated, comparatively few women, married or single, will be found in the roll of convicted criminals, and the women's advocates point exultingly to their case, the moral that women are paragons of virtue compared with men.

It has been a long-accepted axiom in morals that no man is fit for irresponsible power. Can it be said with justice that women are fit for irresponsible power?

Women's-Rights women and their male confederates can see no means of redressing their grievances, real or imaginary, except by the OPPRESSION OF MEN—*PAR EXCELLENCE, THE MANIA OF THE DAY.* In addition to the extravagant and unjust advocacy of Women's Property Rights, we see this mania exemplified in the proposal to put all men, single and married, still more than at present at the mercy of the mothers of illegitimate children, as to any oaths they may choose to make involving the credit and fortunes of those men whom they accuse; in the proposal to make the supposed fathers of illegitimate children responsible for the mothers' neglect of such children; in the conduct of the School Board officers, in combination with the magistrates, bringing the hardworking Husband to punishment for the Wife's neglect in not attending to the education and training of the Children; in the conduct of the Poor Law authorities, in bringing to punishment, on fabricated charges of desertion, the Husbands of dissolute Wives; and in the insolent demeanour of the magistrates generally towards Husbands and fathers of families.

It is sometimes said that wives rarely make complaints against their husbands of maltreatment. It can easily be proved that the reverse is the fact. Complaints are, as a matter of fact, very common; but, at the same time, the subject is considered so irksome and uninteresting to the general public, that these complaints are reported only in a small proportion of cases by the papers. Experience shows us that these complaints always meet with at least their due share of attention. The reverse is the case with complaints made by husbands against their wives for assaults. These complaints are very rarely made; husbands are naturally averse from making them, and would in preference submit to the wives' violence and cruelty. When compelled on these grounds to appear before the magistrates, they are customarily treated with jeering and insolence, and their complaints summarily dismissed by the magistrates as unworthy of notice.

That the evidence of women generally cannot be implicitly relied upon in their accusations of the men against whom they bring

charges, is apparent from the reports we may read almost daily of the evidence they give in the very common actions brought by them for Breach of Promise of Marriage—perjury being shamelessly and safely practised by the women; in very many cases, no grounds whatever existing for the belief that the men accused ever gave promises of marriage, and in almost every instance the cases on the women's side being presented under grossly exaggerated colours, as reflecting upon the conduct of the men. It must be acknowledged that the parties most to blame in these trials are the juries, who profess to believe the women's evidence; while it is certain that not one of these gentlemen would give credence to the assertions of the women on any subject involving their own private interests or feelings.

• APPENDIX.

The accompanying extracts from recent Police and Law Court Reports are appended, for the purpose of illustrating the literal accuracy of the statements made in this pamphlet.

Case: in which may be noted the conduct of the judge, in acting as the counsel and apologist of the wife and her confederate the milliner.

COURT OF COMMON PLEAS—APRIL 21.

(Sittings in Banco, before Lord Chief Justice BOVILL and Justices BYLES, SMITH, and BRETT.

Phillips v. Edwards.

The plaintiff's wife had carried on the business of Court milliner in Somerset-street, Portman-square, and the action was commenced against Captain Edwards, of Castle Garford, Carmarthenshire, to recover £534 16s. 5d. for millinery supplied to his wife a little over two years following January, 1865. It appeared that somebody, probably Mrs. Edwards, had paid £412 off, and at the trial before Mr. Justice Byles, at Guildhall, the verdict was for the Plaintiff for the balance—£122 16s. 5d.

Mr. Digby now moved for a non-suit, or to reduce the damages, and submitted that the articles supplied, or most of them, were not "necessaries" for which the husband could be sued. Mrs. Edwards had, under settlement, £669 a-year to her separate use; and Mrs. Phillips, in an examination before the Master, said that she understood when the goods were supplied that Mrs. Edwards had £800 a-year. It also appeared that bills had been drawn upon and accepted by Mrs. Edwards, though it was known that she was married and living with her husband.

Mr. Justice BYLES said that most of the things were articles of luxury ; but that defendant lived at Castle Garford, and something was said about a pack of hounds.

Mr. Digby: They were only a few otter hounds, and he believed the defendant's son kept them. The defendant formerly had considerable means, but had not now ; indeed, he had lived with his son for two years.

The LORD CHIEF JUSTICE: Some dresses were necessary for the lady, and how could the Court say how many, or how much should be paid for them ? (laughter.) It was clearly a question for the jury, and the Court could not enter a non-suit or reduce the damages.

Rule granted for a new trial, upon the ground that the verdict was against the weight of evidence.

Case extracted from *The West London Observer*, 13th January, 1872.

HAMMERSMITH POLICE COURT.--ADVICE TO A WIFE.—Ann Davis, an ironer in Martin-street, Notting-hill, was charged with fighting and using bad language. It appeared that a constable saw the prisoner knock her husband down twice at the corner of Southam-street. She would have struck him again, but the constable prevented her. The prisoner said they had been drinking together.—Mr. Ingham said if she wanted to punish her husband she must do it at home, and not in the street. (Laughter.) He took her own recognizances to keep the peace for the next six months.

Extract from the West London Observer, October 18, 1873.

NOVEL APPLICATION UNDER THE MARRIED WOMEN'S PROPERTY ACT.—Mr. Ricketts, solicitor, appeared before his Honour, to make an application under the Married Women's Property Act, 1870, on behalf of Mr. William Nicholls, pork butcher, 114 and 116, Great College-street, Camden Town. He said the applicant had been married to his wife about 19 or 20 years, but four years ago difficulties arose between them, and in consequence a somewhat peculiar arrangement was come to, his wife was to reside in the same house, but occupy a separate bed-room and sitting-room, and was to receive from him sufficient money for food and clothing and other necessities. From that time they had lived separately, and Mrs. Nicholls had taken no part in the business, nor carried on one on her own account. During 1870 and 1871 Mr. Nicholls frequently missed money from his till. He knew pretty well the amount of business he was doing, and the money he ought to derive from it. He at first suspected his men of robbing him, but found that was not the case, and afterwards discovered that one of his children, a boy between 12 and 13 years of age, had taken the money daily from the till and given it to his mother. He taxed the boy with it in December, 1871, and he admitted it. That was then put a stop to, but the applicant could not find out what had become of the money. During the whole of 1870 and 1871 his son was in the habit of abstracting from the till

as much as 5s. a day and handing it to his mother. It appeared that some weeks ago applicant happened to be in his wife's room, and he then found two Post Office Savings Bank books, with sums entered therein amounting to £37 1s. 5d. He knew she had one in 1864, when they were living amicably together, and that she had £6 entered in it, but he was not aware of the existence of the other. A sum of £30 was paid in December, 1871. He knew she had not received money from any legacy or bequest, and had not carried on any business as she lived under his own roof, and this money must have been a portion of that taken from the till. The applicant then served his wife with notice of the present proceedings. He (Mr. Ricketts) thought his Honour would be of opinion that the applicant was only entitled to the £30 deposited after the passing of the Act, but he ought to have the interest also on that sum.

The applicant was then called, and he deposed to the above facts, adding that a great deal of money was found hidden away in his wife's rooms. He applied to the Post Office authorities for the payment of the money, and received an answer that he must get an order from the Court before it could be paid, and he then made an application for the payment of the money to be stopped.

The son was then called, and he stated that he abstracted the money each night as he counted it out to put in the cupboard. He sometimes took 5s., a night, sometimes 6s., and sometimes 7s. His mother told him to do so, and received the money; he never told his father, because his mother told him not to. His father subsequently discovered it, and put a stop to it.

His Honour said he would make an order in favour of applicant for the payment of £30, and interest from the date of deposit.

This is stated to be the first application of the kind made under the Act.

SURREY SESSIONS.—(Before Mr. PHILLIPS, Deputy-Chairman.)

ASSAULT WITH AN AXE.—Rosina Vandon, aged twenty-eight, was indicted for unlawfully and maliciously cutting and wounding William Vandon, her husband with an axe. The husband was a carpenter, residing at Granger-cottage, Lower Norwood, and on the night of the 7th he went home, and while striking a light in the front parlour he received a blow on the left arm. Being dark, he could not see who did it, but on procuring a light he saw his wife in the room with an axe in her hand, when she rushed at him and endeavoured to strike him with it. He warded off the blow, when she aimed another at his head, but he stooped down, and the door-post was nearly cut through. He called out "Police," and Sergeant Smart came to his assistance, but his wife made her escape. He received a severe cut on the arm, which was attended to by Dr. Stride. The axe produced was the axe she used. In cross-examination, witness said he was conversing with a female who resided near, a few minutes before he entered the house, but he never gave his wife any provocation to attack him with the axe. In defence, the prisoner denied having used the axe or having attacked her husband

at all. He was a very bad man. Mr. Phillips summed up the evidence, in his usual clear manner, and much to the surprise of the prisoner and all in court the jury acquitted her.

Case taken from Police Report.

CLERKENWELL, APRIL 22, 1872.—ASSAULT ON A HUSBAND.—Rosina Miniham, a young woman, of 11, Rose and Crown-court, Islington, was charged before Mr. Cooke with committing a violent assault on her husband, John Miniham. Both the parties had been drinking on Saturday last, and on the complainant going home, she abused him and tried to strike him with a saucepan. He prevented this, and then she took up a water-jug and inflicted *such a severe wound on the head that he was knock'd down, and lost a great deal of blood.* When the defendant was taken into custody by Police-constable Mills, 111 N, she said that as he had been living away from her, he should not come in, as she had to work for herself and two children, and he wanted her to keep him. It was further stated by the police that the complainant was very drunk about an hour before the assault was committed. Mr. Cooke said he would not interfere, for when the man was drunk he was as likely to have committed *the* assault as the defendant, who was then discharged.

Extract from a Brighton Paper, dated 11th February, 1871.

JONES v. HUNT was a claim of £14 for goods sold and delivered to the Defendant's wife. Mr. W. Brandreth appeared for the Plaintiff, and Mr. Gell for the Defendant.

Plaintiff is the proprietress of a lace warehouse on the King's Road, Brighton. She said that she had supplied the Defendant's wife with certain articles—named in a bill submitted to the Court—to the amount of the present claim. The wife was staying in Brighton with her two children at the time.

In reply to Mr. Gell, the Plaintiff said she had received no authority from the Defendant to supply his wife with the articles in question.

For the defence, Mr. Gell contended that the Plaintiff was not entitled to recover, inasmuch as the Defendant had prohibited his wife from pledging his credit. He quoted the opinion of Mr. Justice Byles, that in a case of this kind two things were to be considered: first, whether the articles supplied were necessaries; and then, was the wife prohibited from incurring debts in the name of her husband?

Plaintiff, in reply to His Honour, said she had been in the habit of supplying Mrs. Hunt with goods for several years.

The Defendant, a merchant in London, was called. He said he lived apart from his wife, who was of very extravagant habits. He had been called on to pay bills to the amount of several thousand pounds since their separation. He had forbidden his wife to incur any debts on his behalf, and had cautioned the London tradespeople not to give her credit.

His Honour said he had no doubt Defendant was much to be commiserated. If he had an extravagant wife, however, it was incumbent upon him, when he became aware that she was in Brighton, to have put an advertisement in one of the Brighton papers, cautioning the tradespeople not to give her credit.

Verdict for the Plaintiff.

REMARKS.

Thus a Court of Justice declares, in effect, that it is the duty of a husband, whose wife incurs debts contrary to his prohibition, to follow her over all towns in the country, and to proclaim in each town, by public advertisement, the disgrace of himself, his wife, and his children: and the law is thus laid down for no other purpose but that the wife and the tradespeople may be enabled to victimize the husband in concert.

By this we see also that, in point of fact, all husbands may be rendered liable, under all circumstances, for any debts their wives may choose to incur.

No organ of public opinion has, as yet, come forward to denounce the mockery of justice, morality, and decency daily exhibited in the courts of law throughout the country.

Extract from Law and Police Report December 6th, 1871.

SCHOOL BOARD PROSECUTIONS.—At Southwark, yesterday, Robert Smith, a blacksmith, residing at Broadwall, Upper Marsh, was summoned before Mr. Partridge, under the compulsory clauses of the School Board Act, for neglecting to send his son, ten years of age, to school. Mr. D. Birt, jun., solicitor, attended to support the summons, by order of the district committee.

Mr. Cross, the district visitor employed by the London School Board, said he had taken a deal of trouble about the boy, and found that he was not sent to school, although there was a Board School in Marlborough-street, close by, where he would receive a good education. He had been sent there, but he found that he had attended only 19 times out of 145. The defendant attended before the committee, and urged his inability to keep the boy at school, as he had got beyond his control.

The defendant said that it was quite true. He sent the lad to school, but he roamed about the street instead.

Mr. Partridge told him it was all nonsense saying so young a child was beyond his control. He must have neglected him shamefully if he was. It was his duty to take him to school and make him attend regularly. As a caution to him and others, he fined him 2s. 6d. and 2s. costs, or seven days' imprisonment.

William Harwood, a labourer, residing in Webber-street, was summoned also for neglecting to send his boy to school.

The District Visitor said the boy was nine years of age, and there

were both cheap and good schools within a stone's throw. The child had not been to school at all, and could neither read nor write.

The defendant's wife attended, and said her husband was in the country. He was a bricklayer's labourer, and had just got a job.

Mr. Partridge asked her why she did not take her boy to school? She replied that he had no clothes. She had another child five years old, but he was unable to leave the house.

Mr. Partridge told her that her husband must earn sufficient wages to put a decent suit on her boy, and if not, she should have applied to the parish, for a little help, and not keep her child in ignorance. *Her husband* must pay a fine of 3s. and costs, or seven days.

HAMMERSMITH POLICE COURT.—SATURDAY, APRIL 19TH, 1873.—A RELIGIOUS DIFFICULTY.—Sydney McNulty, of Earl's-court, Kensington, was summoned by Mr. Cook, the superintendent of the Chelsea Division of the School Board for London, for not sending his little girl to school.

Mr. Roberts, the visitor, said she had been expelled from the school chosen by the defendant, but he would not try another. Parents were allowed to choose their own schools. She was expelled for not appearing on two annual Government inspections.

The defendant said he was an "Independent," and he wished his daughter to be brought up as an Independent. He did not like her to go to a school of another persuasion. He could not find another school.

Mr Ingham said he could not accept that excuse.

Mr. Cook informed the magistrate that if a school received a Government grant, whether Protestant or Roman Catholic, it was not allowed to impart religious instruction for more than two hours in the morning and two hours in the afternoon. He said the defendant could have sent his child to one of those schools.

The defendant said he would send her to a private school.

Mr. Ingham thought it was a gross case, and fined him 3s. and 2s. costs, with the alternative of seven days' imprisonment.

STEP-MOTHERS.—Nathaniel Higham, a police-constable in Kensington, was summoned for a similar offence. It was stated that the defendant was fined before, but the boy was incorrigible.

Mr. Roberts said the defendant bore a good character. The boy went out of nights, and on one occasion he returned home drunk.

In reply to the magistrate, the visitor said the defendant had a second wife.

Mr. Ingham inquired if she was as fond of her husband's children as she was of her own.

The visitor replied in the affirmative.

Mr. Cook said that she seemed anxious to get rid of the boy. She came to inquire why the summons was not issued.

The defendant said that was the first summons.

Mr. Ingham wished to know whether he was prepared to pay for the child, in the event of it being sent to an Industrial School.

The defendant said he would leave that to his worship. His wages were 27s. a week.

Mr. Ingham said it was a sad thing to saddle a great many poor people with the expense of supporting other persons' naughty children. If the defendant agreed to pay 2s. a week it might be done.

The defendant expressed his willingness to pay that sum, and Mr. Cook withdrew the summons, with a view of taking other proceedings.

Henry Gigg was next summoned. In this case the boy had a step-mother. It was stated that he was incorrigible, and had been expelled from school.

Mr Ingham said the *defendant was responsible. He must keep the mother in order, and the mother must keep the child in order. (Laughter.)* He fined the defendant 1s. and 2s. costs.

Several other cases were disposed of.

Case, showing that female criminals are not punished even for atrocious cruelty to children.

LAMBETH. — CRUELTY TO CHILDREN. — Caroline Olney was charged, on Tuesday, with wilfully breaking the windows at her husband's house, and threatening to murder her children. The husband, who lives in Church-passage, Newington, stated that he had been obliged to separate from his wife in consequence of her conduct. She on one occasion threw one of her children, aged five years, downstairs, and so injured her that she was still at Guy's Hospital. On another occasion prisoner set fire to two children in bed. On Monday night she came to the house while he was out, and declared that if she could get hold of the children she would murder them, and then with a stone she proceeded to smash several squares of glass. On the husband coming up she threatened him also. Mr. Ellison said the prisoner would have to find one bail in £10 to keep the peace for three months.—*Extract from Law and Police Report, June 8th, 1873.*

Extract from the "Pall Mall Gazette," August 5, 1873.

In these days when little else can be heard but the shrieks of woman yelling for her "rights," it is of course useless for man to utter the faintest groan over his "wrongs," but a case heard a few days ago at the Clerkenwell County Court shows the working of what is termed the "tally" system, and that woman at least has no right to monopolize the cry of "injured innocence." A "respectable-looking man" was summoned by a tailor and draper for a sum of money alleged to be due from him for articles of wearing apparel. In the evidence it transpired that the defendant had earnestly requested the plaintiff not to tempt his wife in his absence to give orders for clothing. He had also told the plaintiff that at present he could not afford any further indebtedness. Notwithstanding this, however, the plaintiff had gone to the defendant's wife

and had induced her to purchase a coat and some other articles, which formed the subject of the action. The judge most reluctantly gave judgment for the plaintiff, but expressed himself in the following indignant terms:—"It is," he said, "a most disgraceful and disreputable thing that after a man has cautioned such a tradesman as you against giving credit to his wife, you should go directly, in the teeth of that, and make the man a debtor behind his back and against his will; hereafter in any such case that is satisfactorily proved before me, I shall nonsuit the plaintiff, and I say emphatically that tradesmen acting in such an abominably surreptitious manner ought to be nonsuited in every county court throughout the United Kingdom." These observations are well worth the attention of not only tradesmen but women. Had the position of affairs been reversed, and the wife been held liable for goods ordered by her husband against her own expressed wishes, all England would have been deluged with a torrent of indignation, and Mr. Jacob Bright would have been up in arms at once.

Extract from the West London Observer.—Friday.

HAMMERSMITH POLICE COURT.—SCHOOL BOARD PROSECUTIONS.—Mr. Cook, the Superintendent of the Chelsea Division of the School Board for London, attended in support of a batch of summonses against parents for not sending their children to school.

In the case of Joseph Howe, of Earl's Court-road, Kensington, the defendant complained of the school regulations.

Mr. Ingham said the defendant should teach his children punctuality. Punctuality was as valuable as learning. The object of learning was to make persons fit for the business of this life. He fined the defendant 1s., and 2s. costs, *by way of assisting him to teach his children punctuality.*

William Herbert of Warwick-road, was summoned with respect to three children.

Mrs. Herbert attended with her children. She said the reason her children had not been to school was on account of bad heads.

Mr. Ingham: *Did you ever try soap and water? They are not bad things.*

Mr. Roberts, the visitor, looked at the head of one boy and said it was bad.

Mr. Ingham said the hair was too long. If she cut the hair, and applied soap and water, the boy would soon be able to go anywhere. He could not allow parents to neglect their children, by which they could not go school. He fined the defendant 1s., and 2s. costs.

In the case of Thomas Avery, of West Pembroke-place, Mr. Roberts, the visitor, said the defendant was not a sober man.

Mr. Ingham said, if the defendant drank less beer, he would be able to pay for sending his children to school. He fined him 1s., and 2s. costs.

SCHOOL BOARD PROSECUTIONS.—Mr. Cook, Clerk of the Chelsea

Division for the School Board for London, attended in support of another batch of summonses against parents for neglecting to send their children to school.

Fines were imposed, and in default, imprisonment ordered.

In one case, an application was made for time to pay the money.

Mr. Ingham refused, and said he generally found that a walk through the prisoners' door was better than one through the front door. (Laughter.)

Some of the parents said their children had the measles.

Mr. Ingham said there appeared to be a great deal of measles about. (Laughter.)

A visitor said the disease had increased since the summonses were issued.

Mr. Cook said he found at Westminster that an excuse was generally caught up very much like sheep going through a hedge. Being late, was the excuse there, but it would not prevail at Hammersmith, as Mr. Ingham required punctuality.

Mr. Ingham said persons did not have measles twice, therefore that excuse would not prevail next year. (Laughter.)

In another case, chilblains was the excuse.

Mr. Ingham said he never heard of chilblains on the brain. (Loud laughter.) He could not accept chilblains as an excuse. With reference to a truant, Mr. Ingham recommended the mother to get some strong neighbour to give *her boy a birching*. A birch, even when it was hung up in the house, had a great effect.

Extract from the West London Observer, August 2, 1873.

THE MAGISTRATE'S ADVICE.—Ann Finch was summoned for assaulting her husband William Finch, of 7, New-street, Notting-hill. There was a cross-summons.

The complainant said, on the 18th of July he took home some steak. While he was eating it his wife annoyed him. She took up a pickaxe to break open the door. He went to take it away, and then she scratched his face and pulled his whiskers. He occupied one room, and gave up the other rooms to her. He allowed her a maintenance.

Mr. Bridge described the defendant as a comely person, and said the complainant would do well to go home and live happily together. He recommended him to use the same room as his wife. (Laughter.) He adjourned the summonses for four weeks.

THURSDAY.—HUSBAND AND WIFE.—Caroline Lovegrove, who was described as an inmate of Kensington Workhouse, was charged with disorderly conduct and causing a crowd to assemble in the Portobello-road.

Mr. Claydon told the magistrate that no sooner had the prisoner obtained the 5s. from her husband than she left the workhouse and went to annoy him.

Police-constable Frost said, last evening he was called by the prisoner's husband. He saw the prisoner trying to force her way into her husband's shop. She would not go away.

Mr. Claydon said the prisoner was bound over, and the surety wished to wash his hands of her.

Mr. Ingham said the surety would forfeit the £5. He should have thought of his responsibility before he became bail.

The prisoner said she went to see her children, but her husband pushed her out.

Mr. Ingham gave her one more chance, and discharged her.

Mr. Claydon said she would be here to-morrow.

Mr. Ingham said, "Sufficient for the day is the evil thereof."

Extract from the Sunday Times, April 5th, 1874.

ELOPEMENT IN LOW LIFE.—Eliza Schofield, a costermonger, residing at Bishop's-court, Aylesbury-street, Clerkenwell, was brought up on a warrant and charged with disobedience to a magistrate's summons, and further with unlawfully assaulting and beating her husband, Timothy Schofield, also a costermonger, residing in Clerkenwell.—From the evidence of the husband, who is a hawker of coke, it appeared that the defendant had been his wife for many years, and there was one child living. Between eleven and twelve months since defendant eloped with his brother, having previously destroyed his home, and had since been living in adultery with him. She took the child with her, and not wishing to see that starve or to come to any harm he had been allowing her 2s. 6d. per week for its support. Notwithstanding that he had regularly paid the money she was in the habit of following and annoying him on his round, and also assaulting him. On the day in question, as he was hawking his coke, she seized his measures and threw them and the coke at him. She also assaulted him with her fists, and the language she made use of was vile in the extreme. She had also said that she would do for him, and added that she would not mind swinging for him. He did not wish to do her any particular harm; all that he wanted was that she should let him live in peace and carry on his business quietly, and he was quite willing to pay her for the support of his child that was alive.—Defendant pleaded provocation, and said the complainant did not pay regularly for his child.—Mr. Cooke said this was a sad story, and a very bad case of depravity. *He then discharged the defendant with a caution.*

Extract from the Standard, July 4th, 1874.

SCHOOL BOARD PROSECUTIONS.—At Hammersmith Police Court yesterday, Daniel Quinn, living in Lonsdale-road, Notting Hill, was summoned by Mr. Cook for not sending his daughter Mary to school. Mr. Williams, the visitor, said the child had not attended school for six months. The defendant said he understood from the mother that she had been to school. His wife and family left him six weeks ago. Mr. Williams said he saw the wife, who told him that her husband ill-treated her, and she could not live with him. The mother wanted the child to go to a Roman Catholic school and the

father wanted it sent to a Protestant school. Between the two the child did not go to school. The defendant said he had no control over her. It was his wish for the child to attend school. When he came home he inquired and was told that she had been to school. Mr. Ingham fined him 1s. and 2s. costs. The defendant said he had not got the money. Mr. Ingham ordered him to be imprisoned for four days.—In the case of Mrs. Short, Mr. Williams said the children lived opposite a school and did not go. The defendant said the schoolmaster sent them home because they did not attend regularly. Mr. Ingham said irregular attendance was no good as the children made no progress. By attending regularly they would learn something which would be useful. He fined the defendant 1s. and 2s. costs.—In another case the mother said it was the master's fault in not letting her know that her children did not attend school.—In another the mother said the master gave her permission to keep her child at home for two months on the promise to send him regularly afterwards. Mr. Ingham said the master had no power to give that permission. The defendants were fined 1s. and 2s. costs each, except in one case, a penalty of 3s. and 2s. cost, being inflicted.—At the Wandsworth Police-court, Mr. Vockins, the superintendent of the Lambeth division for the School Board of London, attended in support of a number of summonses against parents for not sending their children to school. He informed the magistrate that during the year about 2,000 children had been caused to attend schools in the Wandsworth district. The total number for the division was about 5,000. The average attendance had also improved. Mr. Ingham said that must be very satisfactory. A young man was summoned for not sending his brother to school. The visitor stated that the brother was in the habit of going out early, leaving the boy at home with his sister. They went to bed again, and slept in the same room. Mr. Ingham fined the defendant 1s. and 2s. costs. Penalties were imposed in the other cases.

Extract from the Sunday Times, May 24, 1874.

A protector of women has been found in the House of Commons in Colonel Leigh, who, the other night, called attention to the very insufficient punishment awarded to men for violent attacks on women, and moved, "That an increased punishment should be employed in aggravated cases." The gentleman proposed that, after repeated and aggravated offences, the Court should have the power of flogging, and even in some instances of sentencing to penal servitude. Perhaps Colonel Leigh would not mind calling attention to other rascals that do not meet, in our thinking, with sufficient punishment. Those unruly overgrown boys who, by their obscene and foul-mouthed language and behaviour, make some of the public thoroughfares of London one of the black spots on our so-called excellent police management. In reference to the Colonel's remarks, Mr. Disraeli said there can be but one feeling in the House on the subject of these dastardly attacks—not upon the weaker, but the fairer sex. I am

sure the House shares the indignation of my hon. friend, who will, I hope, consider he has secured the object he had in view by raising the question. At the same time I hope he will allow my right hon friend, the Secretary of State, whose attention has been given to this and similar subjects, a little more time to reflect as to the best mode of giving practical effect to what I believe is the feeling of the country generally on the matter. Assuring my hon. friend that Her Majesty's Government will not lose sight of the question, I must ask him not to press his motion further on the present occasion. This explanation was satisfactory for the gallant colonel. The champion of the weaker vessels said all he wanted was fair play for "the fairer sex." It is to be hoped that while the Government is legislating for the men they will bestow a little attention on some of Colonel Leigh's "fair sex" that are daily and nightly to be seen spending the hard-earned moneys of their husbands, reeling about the streets, with little children about them, and when they get to their homes, giving vent to their "fairer sex proclivities" by, in too many cases, bestowing some reward, not of merit, on the head of their disconsolate husbands, if he dare to expostulate on the neglect of his home. The School Board inspectors have lately brought too much of this neglect of house and home to light, but in all cases the magistrates appear to think—nay, insist on it—that the husband is the "master" of the house, and adjudge him as such. Colonel Egerton Leigh when he has settled his appeal about the "fairer" sex will find sufficient scope for his active abilities in advocating the cause of the "weaker men," masters only in name.

Extract from the West London Observer, October 4, 1873.

SCHOOL BOARD PROSECUTIONS.—Mr. Cook, the Superintendent of the Chelsea Division of the School Board for London, attended in support of a number of summonses against parents for not sending their children to school. He said they were all first cases, and if the parents consented to send their children to school, he would ask to withdraw the summonses on the costs being paid.

This course was adopted in nearly all the cases.

In the summons of Owen Wood, of Chapel-street, Hammersmith, his wife attended with two children. The summons was for not sending Albert, aged six, to school.

The wife behaved in a most excited manner. She screamed out "What do you intend to do with poor people?" She pointed to one child, and said it was poisoned by vaccination, and she asked why they could not have their flesh and blood at home to assist. She called to the Magistrate to crush them at once, and not allow them to exist.

Mr. Woolrych ordered her to be removed until she behaved quietly, and to be brought before him again when she was calm.

The visitor said her husband was a carpenter. There was a school opposite to his door, where the child could be sent for twopence a week.

The wife again came into the Court with two children. She said she would be happy to have her child educated. She had two children ill, and what was she to do? It was all spite. She took the child from a school where it was neglected, and sent it to a Church school. That was the cause of her being summoned.

Mr. Woolrych said if Mr. Cook pressed for costs he would grant a warrant for the apprehension of *her husband*.

The wife said if she paid the costs she would have to pledge the child's clothes. "It is impossible (raising her voice again) that there are such cruel brutes amongst us who will allow flesh and blood to be stripped. Since my child has been vaccinated I have been tortured night and day. You are a lot of brutes!" She then left the Court, saying she would go home and strip her child.

Mr. Woolrych said he would pass sentence at once.

The wife was again called in.

Mr. Woolrych called her a fury, and said if she behaved in that violent way, he could not be surprised if she trained up criminals. She had been treated with lenity, which she did not deserve. He fined *her husband* 6d. and 2s. costs.

The wife exclaimed again, when Mr. Woolrych told her to listen, or he would send her to prison for her insolence and contempt of Court.

The wife said it would be charity to do so. As she left the Court she said they were brutes.





